REPORT

OF THE

CALCUTTA COURT OF SMALL CAUSES

FOR THE YEAR

1877-78.

Calcutta:

PRINTED AT THE BENGAL SECRETARIAT PRESS.

1878.

No. 27.

FROM

THE JUDGES, CALCUTTA COURT OF SMALL CAUSES,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL,

JUDICIAL DEPARTMENT.

Fort William, the 27th June 1878.

SIR,

WE have the honor to forward, for the information of His Honor the Lieutenant-Governor of Bengal, the Annual Report of the business of the Court for the year 1877-78 ending 31st March last.

1. The number of cases instituted in the Court during the year was 33,510, being an increase of 870 over the number instituted during the year ending 31st March 1877. The average number of cases for each day was 125·5.

2. The following comparative table shows the increase and decrease of institutions during the year:—

Value of Suits.	In 1876-77.	In 1877-78.	Increase.	Decrease.
Up to Rs. 5	7,395	7,267	.....	128
„ „ 10	6,622	6,454	.....	168
„ „ 20	6,825	6,926	101	.....
„ „ 50	6,188	6,426	238	.....
„ „ 100	2,491	2,840	349	.....
„ „ 200	1,551	1,654	103	.....
„ „ 300	586	681	95	.....
„ „ 400	298	352	54	.....
„ „ 500	165	226	61	.....
„ „ 600	167	192	25	.....
„ „ 700	103	159	56	.....
„ „ 800	87	102	15	.....
„ „ 900	45	95	50	.....
„ „ 1,000	73	79	6	.....
Above „ 1,000	44	57	13	.....
Total	32,640	33,510	1,166	296
Deduct decrease	.....	.....	296	
Net increase	.....	.....	870	

3. The amount in litigation was Rs. 17,11,118-3-11. Rs. 3,48,180-11-4 were paid into Court, and Rs. 3,38,572-5-10 were paid out of Court.

4. The receipts on account of commission and fees, &c., have been Rs. 2,21,218-12-6.

Deduct—

	Rs.	A.	P.	Rs.	A.	P.
Salaries of the Judges	64,167	6	5			
Cost of establishment	84,791	7	9			
Contingent expenses	1,233	2	6			
Bailiffs' commission	3,667	8	0			
Total ...	1,53,859	8	8			
Balance to the credit of the Court				67,359	3	10

5. The disposal of cases set down for hearing during the year is exhibited as follows:—

Number of cases pending in 1876-77		1,214
Ditto instituted in 1877-78		33,510
		34,724
Decided in favor of plaintiffs after trial	7,402	
Ditto ditto *ex parte*	6,938	
Dismissed after trial	1,502	
Nonsuited	2,248	
Compromised	12,010	
Struck off in default of plaintiffs	3,134	
Pending at the close of the year	1,490	
Total		34,724

6. The increase of 870 institutions over those of the previous year we attribute entirely to the great impulse which was given to trade by the Madras famine. Every one seemed to turn rice merchant, and Madras Settys (a class of suitors hitherto almost unknown to us), and many others were constant litigants in the Court in matters connected with the rice trade. The Court was, in fact, during the latter half of the year 1877, inundated with suits on rice and wheat contracts, suits in trover in respect of gunny-bags, and suits for the hire and demurrage of cargo-boats; the hire of cargo-boats ruling very high in the months of June, July, and August last. There were also frequent suits against the East Indian Railway Company for short delivery of goods arising out of the increased traffic on that railway. Again, the sudden collapse of the same trade about the beginning of October gave rise to another phase of litigation, viz. suits for damages in respect of the failure to ship goods under shipping orders, one firm having filed in the Court about ten suits in order to obtain their rights.

7. We cannot say that we are able to account for the decrease in suits below Rs. 10, but it is probable that the increase of trade has given more employment to the lower classes, and thus enabled them to pay their debts with greater facility.

8. The increase in point of number is entirely in suits above Rs. 10, while generally speaking the proportionate increase is greater in suits of Rs. 300 and upwards, the number of suits of higher value being much larger than it has been at any time during the last ten years. The greater the amount involved, the greater the likelihood of a contest between the parties, and, as a necessary consequence, the employment of some pleader or legal practitioner. We find that there is a growing tendency on the part of the public to avail themselves of the services of legal practitioners, and such employment entails cross-examination and arguments which do not occur when the parties appear in person. This, no doubt, tends to the more perfect administration of justice; but it also takes time, and the result is that, though the number of cases does not increase to any extent, the amount of work to be got through increases, we may say almost yearly, and if this increase goes on, as we believe it will, we think it may at no distant time necessitate the appointment of a permanent Fifth Judge.

9. As an illustration of the desire of litigants to resort to this Court, we may state that in one case a plaintiff abandoned over Rs. 6,529-3-7 in order to bring his suit within the jurisdiction, the total amount abandoned in all cases over Rs. 1,000 amounting to as much as Rs. 17,844-4-1, exclusive of cases in which the plaintiffs abandoned all excess over Rs. 1,000, the particular amount not being specified. We have also known some instances in which suits, which ought to have been brought in the Mofussil Courts, were instituted in this Court, because the plaintiff preferred adjudication of his case here. Such suits generally abate for want of jurisdiction.

10. From the 1st October 1877 Chapter XXXIX of the new Code of Civil Procedure (Act X of 1877), which deals with summary procedure on bills of exchange and promissory notes, was extended to the Small Cause Courts in the Presidency towns. One plaint only has been filed under that chapter, and the case was compromised. We may venture to state, however, that such extension has been a mistake, so far as the Court is concerned. No procedure can with reason be more rapid or summary than

the ordinary procedure of this Court, and we could, if necessary, explain how the chapter in question, so far from giving us a summary procedure, would, in a large majority of instances, render it less summary and more difficult than it is at present.

11. The new Code of Civil Procedure has further imposed on the Court the work of serving processes sent from the Mofussil Courts, and now that the Code is beginning to be understood, such processes have increased. We had some doubts at first as to whether we could charge fees for serving them, but upon a close examination of section 86 of the Code, we were of opinion that we could deal with them as if they were processes of this Court, and accordingly could refuse to serve them unless the usual fees were paid. These fees have already placed Rs. 912-6 to the credit of the Court.

12. Section 15 of Act XXVI of 1864 empowers the Local Government to declare that the whole, or any part or parts of the Code of Civil Procedure, shall be applicable to Presidency Small Cause Courts, provided that no right of appeal or review shall be given by any declaration made under that section. In pursuance of such enactment, certain sections of Act VIII of 1859 and Act XXIII of 1861 have, by the notifications of the Bengal Government marginally noted, been made applicable to the Calcutta Court of Small Causes.

Section 73, Notification of 21st September 1864.
Section 173, Notification of 30th May 1873.
Section 10 of Act XXIII of 1861, 21st September 1864.

The sections of Act VIII of 1859, which have been thus extended, are—

Section 73 which empowers the Court to add necessary parties;

Section 173 which enables the Court to examine a witness immediately; and

Section 10 of Act XXIII of 1861 which deals with interest.

Act VIII of 1859 and Act XXIII of 1861 have been repealed by the new Code of Civil Procedure, but section 3 of that Code goes on to declare that when in any "Act, Regulation, or Notification passed or issued prior to the day on which this Code comes into force, reference is made to Act VIII of 1859, Act XXIII of 1861, or the Code of Civil Procedure, or to any other Act hereby repealed, such reference shall, so far as may be practicable, be read as applying to this Code or the corresponding part thereof."

At the same time by section 8 of the new Code certain sections of it are extended to Small Cause Courts in the Presidency towns. In following out therefore the provisions of section 3 as connected with those notifications, we have great difficulty in ascertaining accurately what portions of the new Code correspond with those sections of the old Code which have been extended to this Court by such notifications.

In order then that the matter may be made clear, we would suggest that all the notifications now in force be withdrawn or rescinded, and instead thereof that, under section 8 of Act X of 1877 (the new Code of Civil Procedure), a fresh notification be issued specifically extending the following sections of that Act to the procedure of this Court:—

Sections 26, 27, 28, 29, 30, and 32 as to parties to suits;

Section 90 as to service of summons in Native States;

Section 133 as to sending for the records of another court;

Section 192 (with the exception of the last paragraph) as to the examination of a witness immediately;

Section 209 as to interest; and

Sections 383-387 (excluding section 386) which relate to commissions.

13. During the absence of Mr. T. Jones, Officiating Fifth Judge and Clerk of the Court, on privilege leave, his work was equally distributed among the remaining Judges. In consequence, also, of the great increase of suits above the value of Rs. 500, it was found necessary towards the end of the year to relieve the First Judge of many of the suits between Rs. 100 and Rs. 500, usually set down for hearing before him.

14. We regret to state that the conduct of some of the bailiffs of the Court has not been satisfactory, and we have been constrained to dismiss no less than three of the Seal and Body Warrant Bailiffs.

15. There is some increase in the number of second summonses, there being 2,110 as against 1,649 in previous year. As connected with this, we

may remark that we still have great trouble with Mofussil Courts all over India. In the letter which accompanies such summonses, we draw particular attention to the sections of the Codes of Civil and Criminal Procedure under which the summonses may be served, and also reprint a notification of the High Court, Calcutta, dated 23rd August 1870, which draws particular attention to the matter; and yet we frequently have the affidavits of services filled in so irregularly that it is impossible for us to act upon them, and then another summons has to issue at great inconvenience and expense to the suitors. We append a copy of the usual letter which accompanies a summons sent to a Mofussil Court for service, and we may venture to suggest that great good might be done if Government were to issue a special circular order calling further attention of judicial and magisterial officers to the matter.

Another difficulty also arises from the insufficient staff of bailiffs for service of the processes. There are 41 bailiffs who are daily in attendance before the several Benches from 11 A. M. to 3 P. M. They have generally 3 to 4 hours for the service of the processes, and considering the average number of processes which each bailiff has to serve daily, it is impossible that he can go over to the residence of the defendant more than once to effect service.

16. Eight thousand nine hundred and four contested suits were disposed of after a complete trial as against 8,577 in the previous year, showing an increase of 327 suits so decided; 2,248 were nonsuited, and 3,134 were struck off in default of the appearance. We wish to remark, however, that the cases nonsuited represent a very large amount of the work done. It is rarely that a plaintiff takes a nonsuit before he has gone into his case. It generally happens that he does so on account of some deficiency in the evidence brought forward by him, or because he has not properly prepared himself. It often, too, happens that a plaintiff elects a nonsuit after a case has been completely heard, or the Court nonsuits him, thinking that it is a matter with regard to which he might reasonably come to Court a second time. Cases struck off are generally cases which are compromised out of Court, and occur more frequently in suits of smaller value, where the half costs to be returned are so small that the plaintiff does not think it worth his while to come to Court to obtain a refund.

17. The sum standing to the credit of the Court is Rs. 67,359-3-10, which is higher than it has been at any time during the last seven years, even making allowance for the rent which was formerly paid for the Court premises.

We have the honor to be,

SIR,

Your most obedient servants,

H. MILLETT,
KOONJO LALL BANERJEA,
GIDEON C. SCONCE,
GREESH CHUNDER GHOSE,
} *Judges.*

No.

Plaintiff,

versus

Defendant.

FROM

THE CLERK OF THE CALCUTTA COURT OF SMALL CAUSES,

To

THE OF

Dated the

SIR,

I HAVE the honor to forward herewith in duplicate of this Court, No. , dated to be served on who said to reside within your district, and I have to request that, in pursuance of section 29 of Act IX of 1850, which is set forth for your information on the other side, you will be pleased to endorse the process and cause to be served in the same manner as processes issued by you are served.

2. The bearer states that he can identify the and point out to the officer to whom the process may be delivered for service.

3. In the event of the process being duly served, I have to request that you will be pleased to take from the officer, who actually made the service, an affidavit or solemn affirmation of service in the form annexed, and will be careful to cause to be stated therein the mode of service; and, if the service was personal, the name of the person by whom identified. Be pleased then to sign the attestation of the affidavit required by the 30th section of Act IX of 1850 (also set forth on the other side), and to *deliver to the bearer* to be produced in court at the trial. If, however, the bearer fails to point out the to your officer, or if. for any other reason, service is impossible in any of the modes required, the return of the process with a memorandum on to that effect is requested

I have the honor to be,

SIR,

Your most obedient servant,

Clerk of the Court.

Sections 29 and 30 of Act IX, 1850, entitled "An Act for the more easy recovery of Small Debts and Demands in Calcutta, Madras, and Bombay."

XXIX. Any summons or other process of any of the said courts, service of which is needed out of the court, may be exhibited in any Court of Law, or before any Magistrate, and shall be thereupon endorsed by the Magistrate or Judge of such court; and when so endorsed, may be served in like manner as any order or process from such court of Magistrate; and such service shall be as valid as if the same had been made by the bailiff of the court out of which such summons or other process shall have issued within the jurisdiction of the court for which he acts.

XXX. Service of any summons or other process of the court, which shall require to be served out of the district of the court, may be proved by affidavit or solemn affirmation, purporting to be sworn or made before any Judge or Magistrate; and in every case of the unavoidable absence of the bailiff by which any summons or other process of the court has been served, the service of such summons or other process may be proved, if the Judge think fit, in the same manner as a summons served out of the district of the court.

MEMO.

In case of summons being taken to a Magistrate's court for service, particular attention is requested to sections 154 and 155 of the Code of Criminal Procedure, or in case of summons being taken to any civil court, to that portion of Chapter VI of the Code of Civil Procedure which deals with the *service of summonses.*

CIRCULAR ORDERS BY THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

From J. S. CARSTAIRS, ESQ., *Officiating Registrar of the High Court of Judicature at Fort William in Bengal, to all Civil and Criminal Authorities in the Regulation and Extra-Regulation Provinces—No. 24, dated Calcutta, the 23rd August* 1870.

CIVIL AND CRIMINAL SIDES.

THE attention of the Court has been drawn to the fact that, notwithstanding the full and clear directions which in each case accompany processes forwarded by the Calcutta Court of Small Causes for service under sections 29 and 30 of Act IX of 1850, it very frequently happens that the provisions of the law, in respect of such processes, are not carried out by the courts addressed. The High Court, in now directing that more exact attention be given to such cases in future, feel obliged to point out to the subordinate civil and criminal courts of all grades that failure to comply with instructions so explicit is quite inexcusable; it can only be explained on the supposition that the Judges or Magistrates concerned have bestowed no personal attention on the matter.

No 1.—PART I.

Abstract Statement of the Statistics of the Calcutta Court of Small Causes for the twenty-eighth year of its institution, viz. from 1st April 1877 to 31st March 1878.

Months.	1			2	3	4	5	6	7	8	9	10	11	12	13	14		15	16	17
	Number of Suits instituted.			The English cases bear to the Native cases the ratio of	Number of summonses issued.	Number of second summonses issued.	Number of subpœnas issued.	Number of attachments issued.	Number of writs of execution issued.	Number of bench warrants issued.	Number of copies of judgments issued.	Number of commitments issued.	Number of releases issued.	Number of cases referred to arbitration.	Number of warrants to sue and defend filed.	Number of powers filed by attorneys.	Number of powers filed by pleaders.	Number of days in which the court was open.	Average number of suits instituted.	Amounts litigated on the suits instituted.
	English.	Native.	Total.																	
																				Rs. A. P.
1877.																				
April	563	2,362	2,925	4·1	2,909	122	2,566	1	784	2	23	33	26	58	589	20	569	24	121·8	1,35,655 9 10
May	536	2,642	3,178	5·02	4,663	160	2,812	1	845	3	33	28	26	93	567	19	548	27	117·3	1,59,165 7 6
June	525	2,538	3,063	4·8	3,949	197	2,557	1	763	2	37	37	28	86	525	19	506	24	127·6	1,49,465 14 5
July	876	2,673	3,249	4·6	4,315	182	2,646	6	835	.....	32	32	32	91	483	17	466	26	124·9	1,56,952 14 11
August	632	2,706	3,338	4·2	4,306	287	2,706	7	759	6	36	36	32	98	538	19	519	26	128·3	1,71,257 8 5
September	689	3,273	3,962	4·7	5,111	245	3,443	5	1,015	4	28	40	31	56	728	27	701	25	158·4	2,04,294 12 9
October	41	174	215	4·2	315	50	426	2	370	2	3	23	37	21	182	7	175	5	43	19,368 4 3
November	446	2,154	2,602	4·8	3,411	126	2,257	.....	597	5	18	15	15	41	291	11	280	20	130·1	1,47,981 1 9
December	323	1,492	1,815	4·6	2,366	127	1,884	2	554	3	33	30	31	67	394	8	386	19	95·5	1,12,801 8 9
1878.																				
January	517	2,492	3,009	4·8	3,905	218	2,513	3	829	2	43	32	37	58	398	13	385	24	125·3	1,62,240 11 2
February	547	2,365	2,912	4·3	3,664	206	2,347	1	716	3	36	36	17	78	426	15	411	22	132·3	1,56,541 13 6
March	530	2,722	3,252	5·1	4,109	196	2,816	1	770	2	28	27	38	64	552	17	535	25	130·08	1,53,392 7 8
Total ...	5,917	27,593	33,510	4·6	43,316	2,110	28,975	28	8,537	34	353	370	360	811	5,673	202	5,471	267	125·5	17,11,118 3 11

The Court was closed on account of Sundays	53
Christmas Day, Her Majesty's Birthday, and vacation in December, including New Year's Day	9
Hindoo holidays, including Dussohara vacation	33
Mahomedan holidays	4
Total number of days in which the Court was closed	98
Number of sitting days	267
Total	365

Calcutta Court of Small Causes,
The 27th June 1878.

Douglas White,
Offg. Fifth Judge and Clerk of the Court.

No. 1.—PART II.

Abstract Statement of the Statistics of the Calcutta Court of Small Causes for the twenty-eighth year of its institution, viz. from 1st April 1877 to 31st March 1878

Months.	Graduated digest of cases instituted.																Disposal of suits set down for hearing.							Commission and fees paid in stamps in suits instituted.	Amount of costs refunded to suitors in cases compromised before hearing and remitted by order of the Judges.
	Under Rs. 5.	Under Rs. 10.	Under Rs. 20.	Under Rs. 50.	Under Rs. 100.	Under Rs. 200.	Under Rs. 300.	Under Rs. 400.	Under Rs. 500.	Under Rs. 600.	Under Rs. 700.	Under Rs. 800.	Under Rs. 900.	Under Rs. 1,000.	Above Rs. 1,000.	Total.	Judgment for plaintiffs.	Judgment for defendants.	Struck off.	Nonsuited.	Compromised.	Pending.	Total.		
1877.																								Rs. A. P.	Rs. A. P.
April	660	586	615	527	255	127	65	29	11	16	8	6	9	5	6	2,925	1,223	109	233	237	1,052	.....	2,854	20,823 14 0	3,366 11 9
May	693	656	673	568	252	148	70	26	25	11	15	11	6	10	4	3,168	1,410	150	277	278	1,177	.....	3,292	23,357 10 0	3,920 8 6
June	669	605	649	588	240	144	63	35	15	19	14	7	6	6	3	3,063	1,272	132	245	166	1,139	.....	2,954	22,152 14 6	3,860 4 9
July	731	632	632	648	283	141	71	32	24	15	13	10	7	5	5	3,249	1,457	184	305	189	1,121	.....	3,256	24,263 11 6	3,574 10 9
August	727	668	689	659	296	171	69	38	24	23	18	6	11	8	6	3,338	1,437	162	281	236	1,158	.....	3,274	25,487 8 0	4,001 14 0
September	875	753	837	710	352	210	69	40	30	23	20	13	11	12	7	3,962	1,570	143	260	244	1,406	.....	3,623	30,838 13 6	4,049 8 9
October	36	37	41	47	13	15	7	4	5	...	2	3	1	2	2	215	408	37	83	60	360	.....	948	3,246 5 6	1,826 9 6
November	533	514	500	507	219	157	62	30	21	17	18	8	6	5	5	2,602	898	99	326	129	700	.....	2,152	21,787 3 6	2,359 5 6
December	363	328	351	359	184	97	41	27	16	14	9	10	7	6	3	1,815	868	93	234	143	731	.....	2,069	16,949 15 0	2,799 4 9
1878.																									
January	596	524	626	606	291	169	79	42	16	19	11	9	8	7	6	3,009	1,175	118	338	158	940	.....	2,738	25,657 2 0	4,239 4 0
February	667	577	622	551	215	121	44	26	18	19	17	5	17	8	5	2,912	1,231	130	263	190	1,116	.....	2,930	21,803 6 0	3,675 13 9
March	717	634	691	636	246	154	50	23	21	16	14	14	6	5	5	3,252	1,391	145	289	218	1,101	1,490	3,144	23,415 1 0	3,405 4 0
Total ...	7,267	6,454	6,926	6,426	2,840	1,654	681	352	226	192	159	102	95	79	57	33,510	14,340	1,502	3,134	2,248	12,010	1,490	33,234	2,59,783 8 6	41,079 4 0

Calcutta Court of Small Causes,
The 27th June 1878.

Douglas White,
Offg. Fifth Judge and Clerk of the Court.

No. 2.

Comparative Table of Cases set down for hearing from 1*st April* 1876 *to* 31*st March* 1877 *and from* 1*st April* 1877 *to* 31*st March* 1878, *showing how they are disposed of.*

		Judgment for plaintiff.	Judgment for defendant.	Nonsuited and struck off.	Compromised.	Total.
April	1876	974	95	433	828	2,330
	1877	1,223	109	470	1,052	2,854
May	1876	1,218	142	556	1,050	2,966
	1877	1,410	150	555	1,177	3,292
June	1876	1,356	154	522	1,076	3,107
	1877	1,272	132	411	1,139	2,954
July	1876	1,307	146	460	1,031	2,944
	1877	1,457	194	494	1,121	3,266
August	1876	1,677	180	597	1,323	3,777
	1877	1,437	162	517	1,158	3,274
September	1876	1,170	110	451	1,008	2,739
	1877	1,570	143	504	1,406	3,623
October	1876	267	18	117	199	601
	1877	408	37	143	360	948
November	1876	1,448	167	593	1,110	3,318
	1877	898	99	455	700	2,152
December	1876	1,038	100	488	976	2,602
	1877	868	93	377	731	2,069
January	1877	863	103	412	639	2,017
	1878	1,175	118	496	949	2,738
February	1877	1,292	131	470	1,119	3,012
	1878	1,231	130	453	1,116	2,930
March	1877	1,381	158	498	1,142	3,179
	1878	1,391	145	507	1,101	3,144
Total ...	1877	13,990	1,504	5,597	11,501	32,592
	1878	14,340	1,502	5,382	12,010	33,234

Undecided, postponed after being called for hearing—

In 1876-77	1,214
In 1877-78	1,490
Postponed after being partly heard in 1877-78	446
Instituted towards the close of the year, but not returnable till after the close of the official year	1,044
	1,490

CALCUTTA COURT OF SMALL CAUSES,

The 27th June 1878.

DOUGLAS WHITE,

Offg. Fifth Judge and Clerk of the Court.

No. 3.

Statement showing the number of Cases pending on the 31*st March* 1878.

	Number of cases partly heard and postponed.							Instituted before, but not returnable till after, the close of the year.	Grand Total.
	For service of summons.	For witnesses.	For attachments.	At the request of the parties to the suit.	Referred to arbitration.	By order of the court.	Total.		
First Judge ...	6	4	.....	23	17	47	99	.....	.....
Second ,, ...	7	.....	.....	15	15	20	57	.....	.....
Third ,, ...	23	29	.....	23	35	29	139	.....	.....
Fourth ,, ...	16	14	.....	20	34	12	96	.....	.....
Fifth ,, ...	11	6	.....	4	.....	34	55	.....	.....
Total ...	63	53	.....	87	101	137	446	1,044	1,490

CALCUTTA COURT OF SMALL CAUSES,

The 27th June 1878.

DOUGLAS WHITE,

Offg. Fifth Judge and Clerk of the Court.

No. 4.

Abstract Statement of Cases set down for hearing and disposed of from 1*st April* 1877 *to* 31*st March* 1878.

Months.	Judgment for plaintiff.	Judgment for defendant.	Struck off.	Nonsuited.	Compromised.	Total number of cases disposed of.	Undecided.	Total number of cases instituted.
1877.								
April	1,223	109	233	237	1,052	2,854	.....	2,925
May	1,410	159	277	278	1,177	3,292	.....	3,168
June	1,272	132	245	166	1,139	2,954	.....	3,063
July	1,457	184	305	189	1,121	3,256	.....	3,249
August	1,437	162	281	236	1,158	3,274	.....	3,338
September	1,570	143	260	244	1,466	3,623	.....	3,802
October	408	37	83	60	360	948	.....	215
November	898	99	326	129	700	2,152	.....	2,602
December	868	93	234	143	731	2,069	.....	1,815
1878.								
January	1,175	118	338	158	949	2,738	.....	3,009
February	1,231	130	263	190	1,116	2,930	.....	2,912
March	1,391	145	289	218	1,101	3,144	.....	3,252
Total ...	14,340	1,502	3,134	2,248	12,010	33,234	1,490	33,510

Calcutta Court of Small Causes,

The 27*th June* 1878.

Douglas White,

Offg. Fifth Judge and Clerk of the Court.

No. 5.

Comparative Statement of Commission and Fees realized and credited to Government in 1876-77 *and in* 1877-78

Months.	1876-77. On account of fees received on the institution and prosecution of suits and on account of distresses for rents.	Months.	1877-78. On account of fees received on the institution and prosecution of suits and on account of distresses for rents.	Total increase of fees in 1877-78.	Total decrease of fees in 1877-78.	Remarks.
1876.	Rs. A. P.	1877.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
April	14,345 0 6	April	17,457 2 3	3,212 1 9	.....	
May	16,636 12 9	May	19,437 1 6	2,800 4 9	.....	
June	17,683 13 6	June	18,292 9 9	608 12 3	.....	
July	17,757 4 9	July	20,689 0 9	2,931 12 0	.....	
August	23,907 5 0	August	21,485 10 0	.....	2,421 11 0	
September	10,635 4 0	September	26,789 4 9	16,154 0 9	.....	
October	6,441 4 0	October	1,419 12 0	.....	5,021 8 0	
November	19,014 6 6	November	19,427 14 0	413 7 6	.....	
December	13,750 5 0	December	14,150 10 3	400 5 3	.....	
1877.		1878.				
January	14,423 15 3	January	21,417 14 0	6,993 14 9	.....	
February	17,723 6 9	February	18,127 8 3	404 1 6	.....	
March	17,146 5 9	March	20,009 13 0	2,866 7 3	.....	
Total ...	1,89,362 3 9	Total ...	2,18,704 4 6	36,785 3 9	7,443 3 0	

	Rs. A. P.	
Deduct decrease	7,443 3 0	or an increase of nearly 15¼ per cent over the receipts of last year.
Net increase	29,342 0 9	

Calcutta Court of Small Causes,

The 27*th June* 1878.

Douglas White,

Offg. Fifth Judge and Clerk of the Court.

No. 6.

Abstract Statement of sums received and paid out to Suitors and others from 1*st April* 1877 *to* 31*st March* 1878.

1877.			Rs.	A.	P.	1877.			Rs.	A.	P.
To cash received on account of suitors, &c., in		April	25,487	15	6	By cash paid out to suitors, &c., in		April	26,591	4	0
Ditto	ditto	May	31,729	0	10	Ditto	ditto	May	28,176	9	7
Ditto	ditto	June	30,030	5	10	Ditto	ditto	June	26,877	0	1
Ditto	ditto	July	27,956	6	1	Ditto	ditto	July	29,318	6	10
Ditto	ditto	Aug.	31,669	5	7	Ditto	ditto	Aug.	27,784	10	1
Ditto	ditto	Sept.	37,544	10	10	Ditto	ditto	Sept.	38,658	13	9
Ditto	ditto	Oct.	13,408	12	9	Ditto	ditto	Oct.	12,362	1	0
Ditto	ditto	Nov.	27,730	8	10	Ditto	ditto	Nov.	28,501	7	6
Ditto	ditto	Dec.	26,885	15	0	Ditto	ditto	Dec.	27,016	1	3
1878.						1878.					
To cash received on account of suitors, &c., in		Jan.	32,031	1	0	By cash paid out to suitors, &c., in		Jan.	33,118	1	6
Ditto	ditto	Feb.	29,458	6	8	Ditto	ditto	Feb.	29,909	2	4
Ditto	ditto	Mar.	34,248	2	5	Ditto	ditto	Mar.	30,258	11	11
		Total ...	3,48,180	11	4			Total ...	3,38,572	5	10

CALCUTTA COURT OF SMALL CAUSES,
The 27th June 1878.

DOUGLAS WHITE,
Offg. Fifth Judge and Clerk of the Court.

No. 7.

Table showing the nature of Cases heard and decided from 1*st April* 1877 *to* 31*st March* 1878.

	Months.												Total.
	April 1877.	May 1877.	June 1877.	July 1877.	August 1877.	September 1877.	October 1877.	November 1877.	December 1877.	January 1878.	February 1878.	March 1878.	
Goods sold and delivered ...	1,171	1,239	1,164	1,284	1,223	1,452	360	752	763	944	1,223	1,261	12,836
Bills of exchange and promissory notes	154	195	163	188	187	195	52	125	128	150	172	144	1,853
Wages	169	245	228	236	235	228	65	170	163	222	213	254	2,428
Work and labour and materials, &c.	209	287	199	180	220	235	82	162	148	181	172	202	2,277
For money paid ...	36	55	37	62	50	50	11	30	46	36	34	49	496
Ditto lent ...	366	384	334	387	433	456	135	275	228	355	361	348	4,062
Ditto had and received	62	77	96	98	77	90	16	52	41	71	74	99	853
On an account stated ...	32	55	56	40	44	54	12	25	22	34	27	44	445
For use and occupation ...	257	246	241	302	283	323	84	209	200	290	291	303	3,029
Ditto and hire ...	41	31	37	29	44	58	11	52	44	41	44	46	478
On judgment	1	4	2	1	6	7	...	2	2	6	3	5	39
On guarantee	5	9	3	7	11	14	2	3	2	6	7	7	76
Partnership balance ...	...	...	3	1	...	4	1	1	...	3	...	2	15
Other actions on contract ...	156	227	182	209	188	226	52	125	128	165	139	164	1,961
Trover	49	59	47	39	65	58	15	41	37	66	54	64	594
Case	56	53	67	87	87	84	22	54	50	67	57	74	758
Trespass	1	...	...	...	...	2	...	...	1	...	1	2	7
Board and lodging ...	13	20	9	19	19	10	7	19	8	16	8	26	174
Assault	19	36	29	30	26	16	4	19	22	22	11	21	255
Cases under distresses of 1875	...	...	...	...	...	2	...	...	...	...	...	...	2
Interpleader	27	43	34	31	40	17	10	19	21	35	23	22	322
Ejectment	27	27	23	25	22	39	6	17	15	28	16	7	252
Against executors ...	3	...	...	1	...	...	1	...	...	...	...	...	5
Covenant	...	...	...	...	14	3	...	...	...	...	...	...	17
Total ...	2,854	3,292	2,954	3,256	3,274	3,623	948	2,152	2,069	2,738	2,930	3,144	33,234

CALCUTTA COURT OF SMALL CAUSES,
The 27th June 1878.

DOUGLAS WHITE,
Offg. Fifth Judge and Clerk of the Court.

No. 8.

Statement showing the Statistics of the Distraint Department of the Court under Act I of 1875 *from* 1*st April* 1877 *to* 31*st March* 1878.

Months.	Distraint compromised before appraisement.	Sales.	Distresses set aside before appraisement.	Unexecuted.	Compromised after appraisement.	Distresses set aside after appraisement.	Total number of distresses for rent.	Amount of rent for which distresses were made.	Commissions and fees deposited.
1877.								Rs. A. P.	Rs. A. P.
April ...	26	2	2	2	3	.....	35	3,433 10 6	506 0 0
May ...	23	8	1	1	4	.....	37	2,472 6 0	382 0 0
June ...	19	4	.....	1	2	1	27	1,464 0 6	235 12 0
July ...	29	6	2	8	3	.....	48	3,777 2 3	572 12 0
August ...	17	2	1	4	1	.....	25	1,914 0 3	288 12 0
September ...	35	8	1	1	2	.....	47	2,176 0 0	349 0 0
October ...	3	.....	.....	2	.....	.....	5	326 8 3	49 4 0
November ...	33	5	3	4	3	.....	48	3,609 2 6	542 0 0
December ...	13	.....	.....	.....	1	.....	14	1,366 2 3	205 0 0
1878.									
January ..	25	4	1	5	2	.....	37	4,417 5 9	777 0 0
February ...	16	3	3	6	3	1	32	1,866 4 6	293 8 0
March ...	28	8	2	1	13	.....	52	2,676 1 3	430 12 0
Total ...	267	50	16	35	37	2	407	29,498 12 0	4,632 4 0

CALCUTTA COURT OF SMALL CAUSES,
The 27th June 1878.

DOUGLAS WHITE,
Offg. Fifth Judge and Clerk of the Court.

No. 9.

Statement showing the amount of Fines from 1*st April* 1877 *to* 31*st March* 1878.

Months.	Amount. Rs. A. P.	Months.	Amount. Rs. A. P.
April 1877	2 8 0	November 1877	0 8 0
May „	10 8 0	December „	0 4 0
June „	20 0 0	January 1878	44 8 0
July „	10 0 0	February „	8 8 0
August „	0 8 0	March „	4 8 0
September „	.....		
October „	.....	Total ...	101 12 0

CALCUTTA COURT OF SMALL CAUSES,
The 27th June 1878.

DOUGLAS WHITE,
Offg. Fifth Judge and Clerk of the Court.

No. 10.

Statement showing the Salaries of the Judges, Cost of the Establishment, Contingent, and other charges, from 1*st April* 1877 *to* 31*st March* 1878.

Months.	Salaries of Judges.	Establishment charges.	Commission allowed to bailiffs.	Contingent charges.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs A. P.	Rs. A. P.
April 1877	5,573 14 5	7,111 0 0	325 6 0	81 5 6	13,091 9 11
May „	5,439 7 3	6,992 0 0	336 8 0	181 14 3	12,949 13 6
June „	5,290 9 1	6,992 2 3	319 10 0	93 7 9	12,695 13 1
July „	5,290 9 1	7,216 2 9	323 14 0	102 0 9	12,932 10 7
August „	5,290 9 1	7,230 8 0	348 4 0	13 8 6	12,999 13 7
September „	5,290 9 1	7,114 9 6	313 12 0	204 0 6	12,922 15 1
October „	5,290 9 1	7,115 4 3	344 12 0	114 1 0	12,864 10 4
November „	5,290 9 1	7,106 3 9	240 6 0	23 1 9	12,660 4 7
December „	5,290 9 1	7,112 13 0	203 8 0	118 11 0	12,725 9 1
January 1878	5,290 9 1	6,855 0 0	305 8 0	82 13 6	12,533 14 7
February „	5,388 15 0	6,900 9 9	322 0 0	55 9 0	12,667 1 9
March „	5,440 9 1	7,045 2 6	284 0 0	46 9 0	12,815 4 7
Total ...	64,167 6 5	84,791 7 9	3,667 8 0	1,233 2 6	1,53,859 8 8

CALCUTTA COURT OF SMALL CAUSES,
The 27th June 1878.

DOUGLAS WHITE,
Offg. Fifth Judge and Clerk of the Court.

No. 11.

Statement showing the net amount credited to Government from 1st April 1877 to 31st March 1878.

Months.	Commission and fees paid in stamps, &c.	Fines.	Unclaimed suitors' money.	Savings and refunded charges.	Total amount credited.
1877.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
April	17,457 2 3	2 8 0	136 5 9	.....	17,596 0 0
May	19,437 1 6	10 8 0	140 0 9	.....	19,587 10 3
June	18,292 9 9	20 0 0	253 8 6	.....	18,566 2 3
July	20,689 0 9	10 0 0	367 7 0	.....	21,066 7 9
August	21,485 10 0	0 8 0	206 9 6	1 0 0	21,693 11 6
September	26,789 4 9	.....	298 13 0	0 1 0	27,088 2 9
October	1,419 12 0	.....	180 15 6	.....	1,600 11 6
November	19,427 14 0	0 8 0	71 15 6	0 4 0	19,500 9 6
December	14,150 10 3	0 4 0	135 10 0	0 3 0	14,286 11 3
1878.					
January	21,417 14 0	44 8 0	.....	.....	21,462 6 0
February	18,127 8 3	8 8 0	.....	.....	18,136 0 3
March	20,009 13 0	4 8 0	619 13 6	0 1 0	20,634 8 6
Total ...	2,18,704 4 6	101 12 0	2,411 3 0	1 9 0	2,21,218 12 6

Calcutta Court of Small Causes,

The 27th June 1878.

Douglas White,

Offg. Fifth Judge and Clerk of the Court.

No. 12.

Statement of Indigent Debtors relieved from 1st April 1877 to 31st March 1878, prepared in conformity with Mr. Eden's letter No. 873T., dated 1st October 1863.

Date and month.	Names of parties relieved.	Amount paid.
1877.		Rs. A. P.
6th June	Mrs L. Starling	6 12 0
13th „	Nilmoney Bewah	3 10 0
23rd August	Surno Bewah	4 3 0
20th November	Deegamboree Bewah	4 10 0
15th December	Mrs. Perry	5 3 0
1878.		
23rd January	Mrs. M. Russell	33 15 0
27th March	Mrs. Maxfield	6 12 0
	Total ...	64 1 0

Calcutta Court of Small Causes,

The 27th June 1878.

Douglas White,

Offg Fifth Judge and Clerk of the Court.

No. 13.

Statement of the number of Ex-parte cases disposed of by the Judges of the Calcutta Court of Small Causes from 1st April 1877 to 31st March 1878.

	First Judge.	Second Judge.	Third Judge.	Fourth Judge.	Fifth Judge.	Total.
1877.						
April	30	120	101	153	218	622
May	49	147	133	138	185	652
June	98	192	147	149	1	587
July	117	175	145	188	...	625
August	69	185	134	137	147	672
September	36	176	146	151	269	778
October	15	38	34	46	85	218
November	29	95	94	96	126	440
December	31	107	73	103	149	463
1878.						
January	29	150	99	142	178	598
February	24	143	123	143	207	640
March	22	154	131	147	189	643
Total ...	549	1,682	1,360	1,593	1,754	6,938

CALCUTTA COURT OF SMALL CAUSES,

The 27th June 1878.

DOUGLAS WHITE,

Offg. Fifth Judge and Clerk of the Court.

No.

Comparative

	1st Year, 1850-51.	2nd Year, 1851-52.	3rd Year, 1852-53.	4th Year, 1853-54.	5th Year, 1854-55.	6th Year, 1855-56.
	No.	No.	No.	No.	No.	No.
Number of cases instituted ... English ...	4,407	4,544	4,796	4,807	4,402	5,617
Number of cases instituted ... Native ...	16,916	23,205	22,085	20,058	20,201	21,421
Total ..	21,323	27,749	26,881	24,465	24,603	27,038
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Amount litigated	4,47,381 0 0	5,31,499 12 4	5,17,063 5 10	5,08,820 11 10	5,25,139 3 4	6,61,241 11 10
Commission and fees paid in Court in institution of suits . ..	59,531 14 6	73,938 8 9	73,763 13 0	73,212 14 3	75,870 7 9	90,844 10 3
Amount credited to Government. Net amount of commission and fees credited to Government on suits	57,452 13 6	74,799 5 9	77,202 4 9	75,180 7 6	73,903 9 6	90,333 9 3
Amount credited to Government. Ditto on distresses for rent ..	1,510 7 0	1,778 8 0	1,969 8 0	1,029 0 0	1,430 12 0	1,543 4 0
Amount credited to Government. Amount credited to Government on account of fines ...	651 6 6	585 4 3	484 13 3	786 15 9	240 12 3	253 14 9
Amount credited to Government. Ditto on account of unclaimed moneys belonging to suitors and landlords ...	... ..	.....	.....	... ..	.....	.....
Amount credited to Government. Ditto on account of savings from salaries, sale of old furniture, records, &c.	207 6 0	712 0 3	100 9 3	.....	695 3 8	28 0 9
Amount credited to Government. Net total amount credited to Government in the cash account	59,822 1 0	77,875 1 3	79,757 3 3	77,596 7 3	75,760 5 5	92,158 12 9
Amount paid into Court under decrees, &c	2,46,313 0 0	2,81,804 11 0	1,14,017 2 9	1,06,620 7 11	1,12,190 14 4	1,39,573 15 7
Amount paid out of Court on account of decrees, &c.	2,43,604 0 0	3,79,736 2 9	1,13,694 4 9	1,08,112 6 6	1,11,347 0 6	1,40,190 7 3
	No.	No.	No.	No.	No.	No.
Number of days on which the Court was open	258	274	277	260	255	254
Average number of cases instituted daily	82·6	101·2	96·6	94·0	105·0	106·4
Rs.						
Cases under 5 ...	.....	.	.....	.. ...	... ..	... ..
Ditto 10	12,791	18,111	17,178	15,185	15,108	15,727
Ditto 20 ...	5,363	4,389	4,195	4,231	4,382	4,871
Ditto 50 .	2,422	3,275	3,226	3,085	3,103	3,723
Ditto 100 ...	792	948	1,028	992	1,065	1,400
Ditto 200	480	586	540	558	600	734
Ditto 300 ...	186	224	217	222	213	344
Ditto 400 .	86	116	98	108	130	133
Ditto 500 ...	67	100	95	104	97	106
Ditto 600	.....	.....	.....	.....	...	.....
Ditto 700	.....	.....	... ..	.....	....	.....
Ditto 800 ...	.....	..	.....	.....	.....	.....
Ditto 900 ...	.....	.....	.....	.....	.....	.....
Ditto 1,000 . .	.. ...	.....	.....	.. ...	.....	.....
Cases above 1,000 ...		.. ...			.....	.....
Number of summonses issued	51,389	68,174	65,863	59,118	58,951	64,281
Ditto of second summonses ...	..	9,306	7,574	5 605	8,085	8,050
Ditto of subpœnas	18,952	23,399	21,920	19,917	18,612	20,717
Ditto of attachments	....	809	1,388	853	320	474
Ditto of writs of execution ...	3,918	4,964	6,029	5,243	4,939	6,474
Ditto of bench warrants . .	. ...	.....	157	142	79	89
Ditto of copies of judgments ...	167	215	226	176	137	173
Ditto of commitments ...	448	624	1,040	611	623	572
Warrants to sue and defend filed	2,170	3,205	3,675	3,106	3,340	4,128
Judgment for plaintiffs	8,339	10,548	9,512	8,993	8,896	11,068
Ditto for defendants	688	952	1,747	1,742	1,403	1,239
Nonsuited	4,172	5,831	6,532	2,782	2,543	3,028
Struck out and compromised ...	6,655	10,022	9,419	11,583	11,108	11,490
Undecided and pending	333	380	284	406	156	102
	Rs. A. P.	Rs. A. P.	Rs A. P.	Rs A. P	Rs. A. P.	Rs. A. P.
Amount of half costs returned on cases compromised	10,533 5 6	9,959 11 9	6,341 9 9	12,004 15 6	11,091 2 3	11,846 0 0

14.

Table.

7th Year, 1856-57.	8th Year, 1857-58.	9th Year, 1858-59.	10th Year, 1859-60.	11th Year, 1860-61.	12th Year, 1861-62.	13th Year, 1862-63.	14th Year, 1863-64.
No.	No.	No.	No.	No.	No.	No.	No.
6,254	5,834	5,450	6,452	6,524	6,650	6,282	6,408
22,412	25,009	24,506	25,885	25,253	26,574	27,299	28,472
28,666	30,843	29,956	32,287	31,777	33,224	33,581	34,880
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
7,38,111 2 6	8,01,824 6 0	7,65,412 11 1	9,35,003 0 9	9,78,939 4 10	11,19,418 6 0	10,54,228 11 7	12,10,923 6 11
1,01,464 2 9	1,12,778 12 9	1,09,260 7 6	1,33,317 7 6	1,39,247 12 6	1,58,436 0 3	1,49,970 0 6	1,64,563 15 9
1,00,801 14 0	1,12,624 6 9	1,07,918 0 9	1,28,902 15 3	1,36,073 3 9	1,57,258 5 3	1,49,725 12 6	1,63,728 2 0
1,000 0 0	1,157 0 0	839 0 0	1,482 12 0	1,529 8 0	11,187 4 0	1,553 8 0	1,278 12 0
493 5 3	343 5 9	202 8 0	191 12 0	125 0 0	330 0 0	263 1 9	102 7 0
785 4 9	9,720 13 3	1,868 0 3	1,467 12 10	1,431 14 3	2,314 2 10	3,056 4 9	3,106 1 6
15 9 6	255 9 5	88 2 9	8 15 6	6 1 8	10 4 1	0 12 3	192 5 3
1,03,096 1 6	1,24,101 3 2	1,10,915 11 9	1,32,144 3 7	1,39,165 11 8	1,61,100 5 2	1,54,599 7 3	1,68,403 11 9
1,72,972 6 8	1,98,524 3 1	1,84,662 0 10	2,16,926 14 10	2,20,051 5 4	2,48,762 7 1	2,37,201 6 11	2,57,248 7 6
1,70,817 14 2	1,98,633 0 10	1,84,084 3 2	2,16,302 0 2	2,18,821 13 11	2,44,001 3 3	2,38,380 8 5	2,56,034 7 5
No.	No.	No.	No.	No.	No.	No.	No.
246	250	246	249	253	259	265	267
116·5	123·3	121·7	129·6	125·6	128·2	126·7	130·6
.....	.....	.....	.....	.....	.....	.....	.....
16,325	17,363	16,067	17,032	16,695	16,948	18,889	19,858
5,174	5,708	5,850	6,118	5,791	6,310	5,686	6,199
4,088	4,417	4,745	4,869	5,019	5,258	4,136	3,394
1,511	1,649	1,618	2,088	2,100	2,189	2,372	2,630
903	932	932	1,205	1,114	1,216	1,378	1,205
331	391	387	483	510	646	590	765
173	169	172	257	296	370	306	465
161	214	185	235	252	287	224	368
.....	.....	.....	.....	.....	.....	.....	6
.....	.....	.....	.....	.....	.....	.....	2
.....	.....	.....	.....	.....	.....	.....	2
.....	.....	.....	.....	.....	.....	.....	3
.....	.....	.....	.....	.....	.....	.....	3
.....	.....	.....	.....	.....	.....	.....	.....
67,687	61,405	70,012	42,877	42,351	40,942	43,042	44,789
1,887	1,724	1,858	757	834	910	1,219	1,425
22,812	22,777	23,279	25,414	24,733	29,116	30,670	31,857
246	418	337	378	455	239	132	153
7,168	8,078	7,694	8,203	8,088	8,430	8,264	9,128
30	19	14	25	18	13	15	17
184	217	236	348	431	412	352	379
669	629	539	666	509	510	510	529
4,700	5,743	4,574	5,088	5,025	6,211	5,930	5,950
2,211	13,281	12,447	13,657	13,048	14,156	14,125	14,688
1,022	1,154	1,412	1,617	1,726	1,886	1,986	2,182
3,208	3,350	2,996	2,721	3,448	2,803	3,046	2,863
11,927	12,939	13,133	14,088	13,847	14,104	14,305	15,129
160	154	91	156	179	157	107	169
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
12,908 6 6	14,779 13 0	14,722	17,889 5 3	18,918 3 0	22,865 14 6	22,076 4 6	24,071 3 9

No.

Comparative

	15th Year, 1864-65.	16th Year, 1865-66.	17th Year, 1866-67.	18th Year, 1867-68.	19th Year, 1868-69.	20th Year, 1869-70.
	No.	No.	No.	No.	No.	No.
Number of cases instituted ... { English ...	6,820	7,226	6,244	6,593	5,912	6,695
Native ...	29,128	30,098	27,707	23,621	25,767	27,645
Total ...	35,948	37,324	33,951	30,214	31,679	34,340
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Amount litigated	17,68,551 4 7	20,20,398 4 3	17,52,378 12 0	16,45,704 4 10	16,08,669 4 0	16,49,535 15 5
Commission and fees paid in Court in institution of suits	2,17,400 0 6	2,33,371 3 3	2,00,094 1 6	2,11,840 2 6	2,21,692 2 3	2,45,036 14 6
Amount credited to Government. { Net amount of commission and fees credited to Government on suits	2,12,255 13 9	2,26,522 5 9	1,98,760 7 6	2,10,540 0 6	2,21,311 4 3	} 2,26,040 7 3
Ditto on distresses for rent ..	1,269 8 0	2,312 12 0	2,745 4 0	1,039 8 0	1,265 4 0	
Amount credited to Government on account of fines ...	345 12 6	114 8 0	283 2 3	141 8 0	262 0 0	169 10 0
Ditto on account of unclaimed moneys belonging to suitors and landlords ...	3,517 1 2	1,720 2 5	3,330 5 3	4,256 14 11	4,356 4 5	5,797 8 9
Ditto on account of savings from salaries, sale of old furniture, records, &c. ...	87 10 0	209 11 0	109 5 0	17 14 0	19 12 0	13 8 0
Net total amount credited to Government in the cash account	2,17,475 13 5	2,30,879 7 2	2,05,228 8 0	2,16,595 13 5	2,27,214 8 8	2,32,021 2 0
Amount paid into Court under decrees, &c.	3,43,294 2 5	3,14,584 7 0½	2,68,476 12 5	3,04,351 13 9	3,06,719 9 4	3,90,984 11 4
Amount paid out of Court on account of decrees, &c.	3,43,264 14 0	3,17,521 12 10½	2,66,356 12 2	3,02,320 5 0	3,11,709 8 4	3,96,035 3 6
	No.	No.	No.	No.	No.	No.
Number of days on which the Court was open	261	263	240	254	253	254
Average number of cases instituted daily	137·7	141·9	141·46	118·95	125·23	135·19
Rs.						
Cases under 5 ...	.....	.....	.....	.....	.....	.....
Ditto 10 ...	20,501	20,768	19,807	16,296	12,869	14,436
Ditto 20 ...	5,724	6,281	5,610	5,257	6,656	7,044
Ditto 50 ...	3,578	4,080	3,154	3,542	6,094	6,619
Ditto 100 ...	2,882	2,486	2,278	2,014	2,568	2,762
Ditto 200 ...	1,471	1,563	1,118	1,093	1,723	1,617
Ditto 300 ...	807	693	639	576	655	657
Ditto 400 ...	414	447	441	357	355	334
Ditto 500 ...	256	302	223	288	269	250
Ditto 600 ...	161	140	153	187	168	190
Ditto 700 ...	121	158	124	153	151	127
Ditto 800 ...	90	139	105	137	108	110
Ditto 900 ...	70	122	93	128	90	65
Ditto 1,000 ...	104	145	103	145	125	129
Cases above 1,000 ...	.....	.....	.....	.....	.....	.....
Number of summonses issued ...	46,807	46,218	45,603	39,830	40,851	43,588
Ditto of second summonses ...	1,207	1,515	925	1,005	1,346	1,256
Ditto of subpœnas	30,882	35,302	25,721	29,486	30,354	30,229
Ditto of attachments	74	24	23	14	12	16
Ditto of writs of execution ...	9,403	9,000	7,025	7,436	7,291	8,054
Ditto of bench warrants ...	25	28	7	8	3	4
Ditto of copies of judgments ...	368	438	433	377	420	511
Ditto of commitments	573	580	506	381	321	367
Warrants to sue and defend filed	6,106	5,320	4,245	3,781	4,850	5,677
Judgment for plaintiffs	15,336	16,138	14,803	13,008	13,376	15,397
Ditto for defendants	2,023	1,813	1,483	1,565	1,562	1,444
Nonsuited	2,918	3,520	3,749	3,698	3,766	3,385
Struck out and compromised ...	15,612	15,882	13,434	12,570	12,944	13,530
Undecided and pending	153	171	1,666	1,039	1,070	1,154
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Amount of half costs returned on cases compromised	30,194 0 10	35,568 3 3	27,419 7 3	29,462 10 3	31,683 11 9	28,858 0 3

CALCUTTA COURT OF SMALL CAUSES,

The 27th June 1878.

14.

Table—(concluded).

21st Year, 1870-71.	22nd Year, 1871-72.	23rd Year, 1872-73.	24th Year, 1873-74.	25th Year, 1874-75.	26th Year, 1875-76.	27th Year, 1876-77.	28th Year, 1877-78.
No.	No.	No.	No.	No.	No.	No.	No.
6,447 25,892	6,384 25,152	6,560 28,277	5,940 28,643	5,892 29,091	5,983 28,619	5,672 27,068	5,917 27,593
32,339	31,536	34,843	35,583	34,983	34,602	32,640	33,510
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
16,07,311 8 7	15,86,938 10 2	16,23,110 7 11	16,11,535 5 1	15,70,142 10 7	15,82,873 2 10	14,42,611 11 8	17,11,118 3 11
2,36,626 4 0	2,25,866 6 6	2,47,396 7 0	2,55,956 9 6	2,33,758 13 0	2,36,071 13 0	2,25,235 11 0	2,59,763 6 6
2,07,706 3 0	1,97,409 5 6	2,15,218 4 0	2,02,865 7 0	1,99,116 14 9	1,90,391 9 9	1,89,292 8 9	2,18,704 4 6
111 0 0	85 4 0	114 12 0	54 8 0	199 12 0	72 0 0	146 11 0	101 12 0
5,477 4 9	5,543 15 9	7,061 4 3	4,250 3 0	4,939 7 3	2,811 4 3	2,358 15 10	2,411 3 0
5 6 0	.....	144 9 6	4 1 0	318 11 6	.....	0 10 0	1 9 6
2,13,301 13 9	2,03,038 9 3	2,22,528 13 9	2,07,774 3 0	2,04,574 13 6	1,93,256 14 0	1,91,886 8 7	2,21,218 12 6
3,66,869 11 9	3,76,171 1 6	4,03,612 6 4	3,41,187 2 3	3,39,330 0 2	3,06,934 3 4	3,03,920 10 4	3,43,180 11 4
3,68,966 1 6	3,69,432 15 9	3,99,836 5 7	3,32,070 11 10	3,39,504 9 6	3,08,801 2 3	3,01,479 11 11	3,38,572 5 10
No.	No.	No.	No.	No.	No.	No.	No.
248	245	204	266	260	266	261	267
130·3	128·7	131·9	130·3	134·5	129·7	125·5	125·5
.....	6,505	7,850	7,717	8,297	8,063	7,396	7,267
13,286	6,652	7,182	6,906	6,946	6,998	6,622	6,454
6,741	6,818	7,174	7,462	7,816	7,217	6,525	6,926
6,239	6,034	6,550	6,489	6,514	6,403	6,188	6,426
2,650	2,412	2,719	2,763	2,693	2,577	2,491	2,840
1,560	1,496	1,699	1,552	1,560	1,584	1,551	1,654
662	556	647	612	613	596	586	651
302	335	307	336	331	309	296	352
232	202	221	190	214	182	165	226
153	173	170	173	151	166	167	193
124	110	136	96	110	103	103	159
93	87	87	88	73	90	87	102
89	60	73	61	78	80	45	95
137	97	109	88	97	63	73	79
.....	.....	.....	.....	.....	41	44	5
40,883	39,729	44,136	43,468	46,056	43,691	42,005	43,316
1,517	1,508	1,510	1,184	1,417	1,661	1,649	2,110
31,435	31,031	32,918	32,781	29,029	29,886	28,690	28,075
13	39	47	44	50	28	32	26
8,392	8,500	9,250	8,657	9,239	9,475	8,777	8,537
7	2	56	84	109	63	42	34
570	484	619	486	402	498	336	353
363	358	426	496	509	429	373	370
6,343	5,986	6,697	6,403	5,063	5,299	5,379	5,673
14,196	14,900	15,182	14,761	15,327	15,144	13,990	14,340
1,354	1,397	1,460	1,383	1,321	1,361	1,304	1,562
3,178	3,221	3,546	3,569	3,195	3,015	2,515	2,348
13,196	12,709	14,333	14,616	15,273	15,172	14,583	15,144
1,569	876	1,200	1,416	1,326	1,166	1,314	1,490
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
31,122 4 6	29,919 0 0	34,523 1 3	34,349 10 9	37,061 3 0	39,630 3 3	35,873 7 3	41,079 4 0

DOUGLAS WHITE,

Offg. Fifth Judge and Clerk of the Court

No. 15.

Statement showing the number of Mofussil Commissions issued to the Calcutta Court of Small Causes under Section 177 of Act VIII of 1859 and Act X of 1877 for the year 1877-78.

Months.	Number of commissions received.	Number of commissions executed.	Number of witnesses examined.	By what Judge disposed of.
1877.				
April	19	6	21	Officiating Fifth Judge.
May	20	10	23	Ditto.
June	19	9	24	Ditto.
July	26	9	28	Ditto.
August	16	7	24	Ditto.
September	17	10	21	Ditto.
October	2	.....	.....	Ditto.
November	19	14	23	Ditto.
December	14	6	10	Ditto.
1878.				
January	21	9	17	Ditto.
February	27	16	24	Ditto.
March	18	10	17	Ditto.
Total ...	218	106	232	

CALCUTTA COURT OF SMALL CAUSES,

The 27th June 1878.

DOUGLAS WHITE,

Offg. Fifth Judge and Clerk of the Court.

No. 16.

Statement showing the number of after-Judgment Processes, including Attachments, issued during the year from 1st April 1877 to 31st March 1878.

1	2	3	4	5	6	7	8
	Number of processes applied for.	Number in which money was deposited after processes applied for but before execution.	Number executed.	Number unexecuted and returned with the remarks *nulla bona* and *non est inventus*.	Number of writs applied for, but not carried into execution by the parties themselves.	Number pending on 31st March 1878.	Total number of columns 3 to 7.
Seal warrants	3,297	234	2,611	207	186	59	3,297
Body warrants	5,568	209	2,452	2,076	547	284	5,568
Total ...	8,865	443	5,063	2,283	733	343	8,865
Copies of judgments and certificates for execution out of the jurisdiction of the Court...							353

	Seal Warrants.	Body Warrants.
By 3 European Bailiffs	771	772
„ 4 Native Seal „	1,840	.....
„ 40 Body Warrant „	.....	1,680
	2,611	2,452

CALCUTTA COURT OF SMALL CAUSES,

The 27th June 1878.

DOUGLAS WHITE,

Offg. Fifth Judge and Clerk of the Court.

No. 17.

Statement showing the number of Cases decided wholly and partially in favour of Plaintiffs by each Judge from 1st April 1877 to 31st March 1878.

		First Judge.	Second Judge.	Third Judge.	Fourth Judge.	Fifth Judge.	Total.
	1877.						
April	Wholly	58	208	211	224	310	1,011
	Partially	15	68	47	50	32	212
May	Wholly	95	259	249	272	260	1,135
	Partially	30	84	68	70	23	275
June	Wholly	139	301	292	287	1	1,020
	Partially	25	63	65	99	.....	252
July	Wholly	169	318	252	363	.....	1,132
	Partially	33	129	69	94	.....	324
August	Wholly	98	286	254	285	227	1,150
	Partially	23	94	73	77	20	287
September	Wholly	72	311	243	327	347	1,300
	Partially	9	97	64	84	16	270
October	Wholly	22	65	61	73	97	318
	Partially	6	27	12	35	10	90
November	Wholly	54	168	181	149	201	753
	Partially	12	44	37	37	15	145
December	Wholly	48	180	127	161	178	694
	Partially	8	68	36	51	11	174
	1878.						
January	Wholly	53	232	181	206	219	891
	Partially	16	99	54	96	19	284
February	Wholly	45	230	191	233	309	1,008
	Partially	11	70	42	74	26	223
March	Wholly	32	298	227	230	293	1,080
	Partially	31	108	72	78	22	311
Total	Wholly	885	2,856	2,499	2,810	2,442	11,492
	Partially	219	951	639	845	194	2,848

CALCUTTA COURT OF SMALL CAUSES,
The 27th June 1878.

DOUGLAS WHITE,
Offg. Fifth Judge and Clerk of the Court.

No. 18.

Statement showing the number of Cases instituted before each Judge from 1st April 1877 to 31st March 1878.

	First Judge.	Second Judge.	Third Judge.	Fourth Judge.	Fifth Judge	Total.
1877.						
April	141	644	646	649	845	2,925
May	274	815	796	804	479	3,168
June	411	904	881	867	.....	3,063
July	451	941	934	943	.....	3,249
August	201	787	754	761	835	3,338
September	214	914	870	880	1,084	3,962
October	23	45	44	51	52	215
November	158	606	568	570	700	2,602
December	111	435	409	411	449	1,815
1878.						
January	150	697	710	702	760	3,009
February	131	658	657	652	814	2,912
March	92	781	781	770	828	3,252
Total	2,337	8,227	8,050	8,060	6,836	33,510

CALCUTTA COURT OF SMALL CAUSES,
The 27th June 1878.

DOUGLAS WHITE,
Offg. Fifth Judge and Clerk of the Court.

No. 19.

Cases referred for the opinion of the High Court.

Cause Title.	Judge.	By the Court of its own motion.	By the Court at the request of the parties.	Remarks.
Sreemutty Matungeeney Dassee *vs.* Ramnarain Sundkhan	3rd Judge	1	.....	No return received
Omurtololl Dey *vs.* A. Howell	1st "	1	.....	
Allymuddy, &c., *vs.* A. Braham, &c.	3rd "	1	.....	
H. Mackintosh *vs.* Rachel Wingrove ...	1st "	1	.....	
Jugurnauth *vs.* East Indian Railway Company ...	1st "	1	.....	
Total ...	...	5	.....	

Calcutta Court of Small Causes,

The 27th June 1878.

Douglas White,

Offg. Fifth Judge and Clerk of the Court.

No. 20.

Statement showing the number of Mofussil Processes received for service from 1st October 1877 *to 31st March* 1878.

Months.	Number of Processes received.	Number in which costs were paid.	Amount of costs paid in stamps.
1877.			Rs. A. P.
October	7	.....	.....
November	76	25	55 12 0
December	87	39	96 4 0
1878.			
January	158	80	230 6 0
February	158	103	277 0 0
March	200	108	253 0 0
Total ...	686	355	912 6 0

Calcutta Court of Small Causes,

The 27th June 1878.

Douglas White,

Offg. Fifth Judge and Clerk of the Court.

C. E. G.—Regr. No. 2895—300—9-7-78.

RESOLUTION.

JUDICIAL.

Calcutta, the 27th August 1878.

READ—

Report on the Calcutta Court of Small Causes for 1877-78.

THE report shows that the number of cases instituted during the year was 870 in excess of the number of the previous year, but one thousand less than the average number of the previous five years. The whole number of suits instituted was 33,510, and the amount in litigation was Rs. 17,11,118, a considerably larger sum than in any of the previous ten years.

2. In the past year a marked change appears to have taken place in the value of the cases brought before the Court. The number of cases below Rs. 10 was less than in any of the previous five years 1872-77; the number between Rs. 10 and Rs. 20 was less than in any of the previous five years, except the year 1876-77; the number between Rs. 20 and Rs. 50 was less than in any of the three years 1872-75, while the number of cases between Rs. 50 and Rs. 1,000 was larger than in any previous year. The number of suits between Rs. 50 and Rs. 1,000 in value in each of the past five years is shown in the following table:—

	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.
Cases between Rs. 50 and Rs. 100	2,703	2,603	2,577	2,491	2,840
" " " 100 and " 500	2,789	2,718	2,671	2,600	2,913
" " " 500 and " 1,000	507	509	502	475	627
" " " 50 and " 1,000	5,999	5,920	5,750	5,566	6,380

3. The increase in the number of suits as compared with those of the previous year is attributed by the Judges entirely to the great impulse given to trade by the Madras famine. This is no doubt also the correct explanation of the number of suits of high value as compared with the number in any year since the establishment of the Court. Although the total number of suits was less than in many previous years, the amount in litigation was higher than in any other year since the famine of 1866. During the latter half of the year 1877 the Court was inundated with suits on rice and wheat contracts, suits in trover in respect of gunny-bags, and suits for the hire and demurrage of cargo-boats. There were also many suits against the East Indian Railway Company for short delivery of goods, and the sudden collapse of trade in October gave rise to numerous suits for damages for failure to ship goods.

4. The decrease in the number of suits below Rs. 10 is explained by the Judges as probably due to the lower classes being able to pay their debts with greater facility in consequence of the additional employment given to them by the increase of trade. This explanation does not, however, appear to the Lieutenant-Governor to be sufficient, for the same decrease was noticed in the year 1876-77 as compared with the previous year. It appears more probable that the decrease in suits of small value is due to permanent causes. The ruling of the High Court that the Court of Small Causes has no power to seize tiled huts in execution of its decrees, necessarily diminishes the amount of credit given to those who have no other property to tender as security, while the effect of the exclusion of touters has probably been to prevent the institution of suits of small value until efforts have been made to settle the claims out of court.

5. Owing to the amounts involved in the suits of the past year being larger than usual, pleaders and other legal practitioners were more often employed. The Judges remark that there is a growing tendency on the part of the public to avail themselves of the services of legal practitioners, and that the administration of justice though improved is delayed by cross-examination and arguments.

6. Under section 538 of the Civil Procedure Code (Act X of 1877) the Small Cause Court has been vested with jurisdiction for the summary disposal of cases dealt with in chapter XXXIX of the Code. The Judges consider the extension of this chapter to their Court to have been a mistake, but as only one case has been filed under the chapter, and that case was compromised, the point does not appear to be of any material importance.

7. The suggestion made in paragraph 12 of the report that the several notifications issued under section 15 of Act XXVI of 1864 should be withdrawn, and a fresh notification issued under section 8 of Act X of 1877, extending to the Court of Small Causes certain sections of the new Code of Civil Procedure, appears to the Lieutenant-Governor to be a good one. Extract paragraph 12 of the report will be forwarded to the High Court with a request that the Hon'ble Judges will favour the Lieutenant-Governor with their opinion on the subject. The attention of the High Court will also be drawn to the irregularity noticed by the Judges in paragraph 15 of their report.

8. The following statement shows the results of the trials of the past three years. The Lieutenant-Governor is glad to find that there are some grounds for thinking that the number of unfounded and harassing claims is decreasing.

	1875-76.	1876-77.	1877-78.
For plaintiff after trial	7,789	7,073	7,402
Ditto ex-parte	7,325	6,917	6,938
Compromised	12,197	11,501	12,010
Non-suited	3,015	2,515	2,248
Dismissed after trial	1,361 (Against plaintiff, 7,351)	1,504 (Against plaintiff, 7,101)	1,502 (Against plaintiff, 6,884)
Ditto in default of plaintiff	2,975	3,082	3,134
Total ...	34,662	32,593	33,234

9. The receipts of the year amounted to Rs. 2,21,219, and the expenditure to Rs. 1,53,860. The net sum to be credited to the General Revenues was therefore Rs. 67,359, a larger amount than has been credited during any of the last seven years, even after making allowance for the rent formerly paid for the Court premises.

ORDER.—Ordered that a copy of this Resolution be forwarded to the Judges of the Calcutta Court of Small Causes, and that reference be made to the High Court as indicated in paragraph 7.

By order of the Lieutenant-Governor of Bengal,

HORACE A. COCKERELL,

Secretary to the Government of Bengal.

No. 3510.

COPY forwarded to the Judges of the Calcutta Court of Small Causes for information and guidance.

By order of the Lieutenant-Governor of Bengal,

H. M. KISCH,

Offg. Under-Secy. to the Govt. of Bengal.

CALCUTTA,
The 27th August 1878.

W H.—Reg No 4452—29-8-78